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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,273

03/08/2005

Keith T. Lawes

BARK-1-23298

9839

26389

7590

08/24/2006

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SEATTLE, WA 98101-2347

EXAMINER

MCMAHON, MARGUERITE J

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/502,273

Applicant(s)

LAWES, KEITH T.

Examiner

Marguerite J. McMahon

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/8/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Milner (GB 2,129,488). Note a housing assembly for a rotating cylinder valve engine comprising a rotary cylinder and a crank assembly, the housing assembly comprising a first casing part (with fins 24) and a second casing part (lower part 3) each formed with a respective jointing face, the first casing part being formed with a tubular bore adapted to receive the rotary cylinder 10 and being formed to partially house the crank assembly 1 and the second casing part being formed to partially house the crank assembly, the housing further comprising a tubular portion for housing bearing means 2 for the crankshaft assembly, the tubular portion being defined by a semi-cylindrical section formed on the first casing part and a semi-cylindrical section formed on the second casing part, the arrangement being such that in the assembled state the respective jointing faces are in contact with each other apart from any gasket therebetween, the plane of the jointing faces being substantially perpendicular to the axis of rotation of the rotary cylinder, the tubular portion locating and retaining the bearing means for the crankshaft assembly, wherein the arrangement is such that in the assembled state the axis of rotation of the crankshaft assembly is substantially aligned with the plane of the

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jointing faces, wherein the jointing faces of the respective semi-cylindrical sections are substantially perpendicular to the axis of rotation of the rotary cylinder, wherein the arrangement is such that together, the jointing faces of the respective semi-cylindrical sections forming the tubular portion are substantially in the same plane as the axis of rotation of the crankshaft assembly, wherein in an assembled state the bearing means for the crankshaft assembly is located between a beveled gear 13 of the crankshaft assembly and a distal end of a crankshaft of the crankshaft assembly, wherein the bearing means comprises at least two bearing units, wherein a crankshaft bevel gear is located between one of the bearing units and a distal end of a crankshaft of the crankshaft assembly, wherein one of the bearing units is located between a crank web and a crankshaft bevel gear such that said bearing unit is distant from the semi-cylindrical section formed on the first casing part, wherein the bearing unit which is distant from the semi-cylindrical section on the first casing part is located and retained by a separate bearing clamping means 4, wherein in the assembled state the first casing part houses the rotary valve features of the engine. Note that there are two distal ends, the distal end being that part which is distant from the midline.

***Claim Rejections - 35 USC § 103***

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Milner (GB 2,129,488). Milner shows everything except a third casing part, which is adapted to house the rotary valve features of the engine. It would have been an obvious matter of design choice to include a third casing part, which is adapted to house the rotary valve features of the engine, since the device would function in the same way with or without

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this part. Note at page 3, lines 10-13, Applicant states: "**Alternatively** [emphasis added], the first casing part of the housing assembly comprises a third casing part connectable to the first casing portion, the third casing portion being adapted to house the rotary valve features of the engine."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 571-272-4848. The examiner can normally be reached on Monday-Wednesday and Friday, 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Cronin can be reached on 571-272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**MARGUERITE MCMAHON**  
**PRIMARY EXAMINER**